

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FIRST BANK,

Plaintiff,

v.

EXODUS, et al.

Defendant.

CASE NO. 3:21-cv-05412-DGE

ORDER STRIKING PLAINTIFF'S
MOTION FOR ATTORNEY FEES

On March 22, 2022, this Court granted summary judgment in favor of Plaintiff. (Dkt. No. 31.)

On April 22, 2022, Plaintiff filed a motion for \$69,801.88 in attorney fees. (Dkt. No. 40.)
On April 29, 2022, Defendants, pursuant to Local Civil Rule 3(h), filed a notice informing the Court that Defendants Fred J. Hankins and F.J. Hankins Enterprises, Inc. recently filed a Chapter 11 bankruptcy petition in the United States Bankruptcy Court for the District of Oregon. (Dkt. No. 41.)

1 Under 11 U.S.C. § 362(a)(1), the filing of a bankruptcy petition automatically stays the
2 continuation of judicial actions. *Eskanos & Adler, P.C. v. Leetien*, 309 F3d 1210, 1213-14 (9th
3 Cir. 2002).

4 On May 10, 2022, this Court issued an order directing Plaintiff to show cause why
5 proceedings in this matter should not be stayed and its motion for attorney fees stricken in light
6 of Defendants' bankruptcy filing. (Dkt. No. 42.)

7 On May 19, 2022, Plaintiff responded to the Court's order to show cause, agreeing that
8 an automatic stay applies to these proceedings, and asking the Court to strike the noting date for
9 this motion and to re-note the motion in the event Defendants' bankruptcy case is dismissed or
10 relief from stay is granted. (Dkt. No. 44.)

11 Accordingly, Plaintiff's motion for attorney fees (Dkt. No. 40) is STRICKEN without
12 prejudice to Plaintiff filing a similar motion if Defendants' bankruptcy petition is dismissed or
13 relief from stay is granted.

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15 Dated this 23rd day of May, 2022.

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David G. Estudillo
United States District Judge